



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC**

Issued by the Department of Transportation on October 19, 1999

**NOTICE OF ACTION TAKEN -- DOCKET OST-99-6382 (48885)**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

In the matter of **Tower Air, Inc.'s** certificate authority for Route 401:

In the reissuance of Tower Air's certificate authority for Route 401 in the captioned docket, we inadvertently omitted a non-controversial route integration certificate condition that authorized Tower to combine services on segments 1 through 5 of its certificate and to combine its Route 401 authority with its exemption authority to serve the New York-Paris market.

By our action here we sua sponte grant Tower Air exemption authority immediately to restore the route integration authority inadvertently omitted from its certificate. The route integration authority granted here is subject to our standard route integration conditions.<sup>1</sup>

Carrier rep: **Stephen Gelband, 202-337-6200** DOT Analyst: **Sylvia Moore, 202-366-6519**

**DISPOSITION**

**XX Sua Sponte Granted** route integration exemption authorization (subject to conditions, see below)

The above action was effective when taken: **October 19, 1999**, through **October 19, 2001**, or until 90 days after final action by the Department reissuing Tower Air's certificate for Route 401, whichever occurs earlier.

**Action taken by: Paul L. Gretch, Director**  
**Office of International Aviation**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX Holder's certificate of public convenience and necessity**  
**XX Standard exemption conditions (attached)**

**Conditions:** The route integration authority granted is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Tower rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Tower notifies the Department of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in Tower's authority by virtue of the route integration exemption granted here, but that are not then being used by Tower, the holding of such authority by route integration will not be considered as providing any preference for Tower in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

(See Reverse Side)

<sup>1</sup> We also intend to reissue sua sponte Tower Air's certificate so as to restore the omitted route integration provision.

On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption authority was consistent with the public interest; and (3) grant of the authority would not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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